

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

In Re: Heartland Payment Systems	: CLASS ACTION
Inc. Customer Data Security	:
<u>Breach Litigation</u>	: No. 4:09-md-02046
THIS DOCUMENT RELATES TO:	:
FINANCIAL INSTITUTION TRACK	: JURY TRIAL DEMANDED
<u>LITIGATION</u>	:

PLAINTIFFS' NOTICE OF APPEAL

Notice is hereby given that Amalgamated Bank, Matadors Community Credit Union, Lone Star National Bank, N.A., Elevations Credit Union, First Bankers Trust Company, National Association, O Bee Credit Union, Seaboard Federal Credit Union, and Pennsylvania State Employees Credit Union, Plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Court's Orders of August 16, 2012 (Docket Entry Nos. 186-187) entering Final Judgment pursuant to FED. R. CIV. P. 54(b), and from the Court's Memorandum and Opinion of December 1, 2011 (Docket Entry No. 136) that is incorporated in those orders.

This appeal includes the following cases which were transferred into MDL 2046, *In Re: Heartland Payment Systems Inc. Customer Data Security Breach Litigation*:

4:09-cv-00825	First Bankers Trust Company, National Association v. Heartland Payment Systems, Inc.
4:09-cv-01201	Community West Credit Union v. Heartland Payment Systems, Inc.
4:09-cv-01203	The Eden State Bank v Heartland Payment Systems

4:09-cv-01284	Heritage Trust Federal Credit Union v. Heartland Payment Systems, Inc.
4:09-cv-01330	Pennsylvania State Employees Credit Union v. Heartland Payment Systems, Inc.
4:09-cv-01987	Lone Star National Bank, N.A. v. Heartland Payment Systems, Inc.
4:09-cv-02021	Lone Summit Bank v. Heartland Payment Systems, Inc.
4:09-cv-02023	Tricentury Bank v. Heartland Payment Systems, Inc.
4:10-cv-00919	Putnam Bank v. Heartland Payment Systems Inc
4:10-cv-01498	Omniamerican Bank v. Heartland Payment Systems Inc.
4:10-cv-01499	Quad City Bank and Trust Bank v. Heartland Payment Systems Inc.
4:10-cv-01616	Napus Federal Credit Union v. Heartland Payment Systems, Inc
4:09-cv-02026	Amalgamated Bank et al v. Heartland Payment Systems, Inc.
4:09-cv-02105	PBC Credit Union et al v. Heartland Payment Systems, Inc.

Dated: September 17, 2012

Respectfully submitted,

By:

/s/ Cory S. Fein
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***Interim Co-Lead Counsel for the Financial
Institution Plaintiffs***

CERTIFICATE OF SERVICE

I hereby certify that, on September 17, 2012, the foregoing **PLAINTIFFS'**
NOTICE OF APPEAL was filed electronically via the Court's ECF system and
thereby served on all counsel of record.

/s/ Cory S. Fein
Cory S. Fein